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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,618	05/17/2006	Masanori Konishi	9694-000047/US/NP	9164
52800	7590	12/23/2008		
GREGORY A. STOBBS 5445 CORPORATE DRIVE SUITE 400 TROY, MI 48098			EXAMINER FUQUA, SHAWNTINA T	
			ART UNIT 3742	PAPER NUMBER
			MAIL DATE 12/23/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,618	Applicant(s) KONISHI, MASANORI	
	Examiner SHAWNTINA FUQUA	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21, 22, 26-32 and 37 is/are rejected.
- 7) ☒ Claim(s) 23-25, 33-36, 38-41 and 43-46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/17/06, 9/20/06, 9/2/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21, 22, 26-32, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art JP2001155692 in view of JP2003035422.

JP2001155692 discloses an infrared lamp comprising two or more heating elements (17-1, 17-2), heating element holding means (19-1), glass tube (9), lead wire portions (8-3, 8-4), wherein the holding blocks are made of a material having thermal conductivity (abstract), and a spacer (19-1) with cutouts (26, 27). JP2001155692 does not disclose a polygonal shape heating element, a reflector in the shape of a parabola, and a cylinder to cover the heating element.

JP2003035422 discloses a polygonal shape heating element (abstract), a reflector in the shape of a parabola (2), and a cylinder (3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a polygonal shape heating element, a reflector in the shape of a parabola, and a cylinder to cover the heating element of JP2003035422 in the infrared lamp of JP2001155692 because, a polygonal shape heating element, a reflector in the shape of a parabola, and a cylinder to cover the heating element allows for a more uniform heating.

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3. Claims 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP2001155692 in view of JP07230795.

JP2001155692 discloses an infrared lamp comprising two or more heating elements (17-1, 17-2), heating element holding means (19-1), glass tube (9), lead wire portions (8-3, 8-4), wherein the holding blocks are made of a material having thermal conductivity (abstract), and a spacer (19-1) with cutouts (26, 27). JP2001155692 does not disclose a reflection film.

JP07230795 discloses a reflection film (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the reflection film of JP07230795 in the infrared lamp of JP2001155692 because, a reflection film allows for a more uniform heating.

Allowable Subject Matter

4. Claims 23-25, 38-41, and 43-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAWNTINA FUQUA whose telephone number is (571)272-4779. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on (571) 272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

stf
December 20, 2008

/Shawntina Fuqua/
Primary Examiner, Art Unit 3742